

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

2006 NOV 28 A 10: 00

JEFFERY BAKER JR,

Petitioner,

vs.

RUSSELL THOMAS, *et al.*,

Respondents.,

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Case No. 2:06-CV-201-MHT

J. P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

**TO: HONORABLE MYRON H. THOMPSON
UNITED STATES DISTRICT JUDGE**

**MOTION TO PUBLISH THE FINDINGS AND
RECOMMENDATION (S) OF THE MAGISTRATE JUDGE**

Comes now Petitioner, Jeffery Baker Jr, Pro-Se, unlearned in law, subject to error, respectfully, and in good faith, and moves this Honorable Court to order the Magistrate Judge to publish the Findings and Recommendations in the case. As grounds, petitioner shows cause as follows:

1. In accordance with 28 U.S.C. §2254, the petitioner duly submitted his cause in this Honorable Court on or about March 2, 2006, for appropriate relief.
2. After filing objection(s); this Honorable Court determined that no basis for recusal by the District Judge or the Magistrate Judge existed and overruled petitioner's objection(s) and ordered the case back to the assigned Magistrate Judge for "further appropriate proceedings" Doc #14-1.

3. The respondents filed an original answer on April 3, 2006, and the magistrate judge ordered the respondents to file a supplemental answer by April 25, 2006, addressing every claim presented in the habeas corpus petition.

4. Petitioner responded to respondent's answer and supplemental answers on May 16, 2006.

5. In accordance with the Rules governing Habeas Corpus Petitions in the United State District Courts, petitioner is entitled to the published findings and recommendations of the duly authorized Magistrate Judge; addressing the issues presented in petitioner's petition, respondent's answer(s), and all the materials presented in support thereof. As a result of the non-published findings and recommendations, petitioner unduly suffers the following:

6. Petitioner is deprived Constitutional Rights by the federal authority heretofore assigned to the Magistrate Judge by order of this Honorable Court.

7. Petitioner unreasonably suffers from the unjust sentence, fines, costs, and restitutions ordered by the trial court and will continue to suffer so long as his Constitutional Rights are not appropriately requited by the proper actions of the assigned Magistrate Judge.

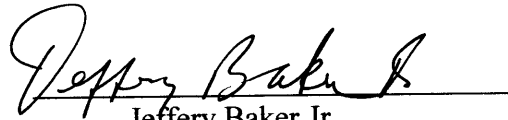
8. Petitioner suffers emotionally from the continuing shock of conscience associated with the denial of clearly established Federal Constitutional Rights by the State Actors and continues to suffer from the emotional and physical affects/effects so long as the federal resolution is not appropriately forthcoming.

9. Petitioner is stigmatized in his community by the unconstitutional conviction and will continue to be stigmatized so long as the duly submitted habeas corpus petition is not acted upon by the appropriate federal authority.

10. Excepting any procedural defect, which is not indicated by the Magistrate's order to show cause or the record, the habeas applicant is entitled appropriate relief as justice requires, which shall include publishing the findings and recommendations of the duly authority Magistrate Judge.

WHEREFORE, petitioner respectfully request this honorable Court to direct the publishing of recommendations and findings of the Magistrate Judge duly assigned the case by this Honorable Court. It is so prayed and respectfully submitted as a matter of right and law.

Done the 27th day of November 2006.


Jeffery Baker Jr.,
1357 County Road 3348
Brundidge, Alabama 36010
334-735-3548

CERTIFICATE OF SERVICE

I hereby certify that I have this day, November 27, 2006, served the forgoing Motion to Publish Recommendation on the Attorney of Record for the Respondents, by placing the same in the United States mail, with postage pre-paid and affixed thereto, and properly addressed as follows:

Mr. Cecil G. Brendle Jr.,
Assistant Attorney General
11 South Union Street
Montgomery, Al 36130-0152


Jeffery Baker Jr,